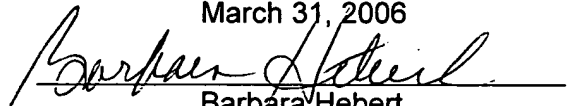




Patent Docket P1982R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Sudeepta Aggarwal et al.  Serial No.: 10/533,069  Filed: April 28, 2005  For: Compositions and Methods for the Treatment of Immune Related Diseases	Group Art Unit: 1646  Examiner: to be assigned  CONFIRMATION NO: 5360  CUSTOMER NO: 09157
<p style="text-align: center;">CERTIFICATE OF EXPRESS MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".</p> <p style="text-align: right;">March 31, 2006  Barbara Hebert</p>	

**PETITION TO ACCEPT APPLICATION UNDER 37 CFR 1.47(a)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants Hilary Clark, Austin L. Gurney, Jill R. Schoenfeld, P. Mickey Williams, William I. Wood, Thomas D. Wu petition under 37. CFR 1.47(a) to have the above-identified application accepted without the signature of Sudeepta Aggarwal.

Enclosed are:

- Copy of Decision on Petition Under 37 CFR 1.425 granted in PCT/US03/34381, and
- Declaration in support of this Petition, signed by Barbara Hebert, a contract employee of Genentech, Inc., setting out the facts for being unable to locate Sudeepta Aggarwal.

The Declaration is accompanied by:

- copy of the February 13, 2006, letter to Sudeepta Aggarwal;
- copy of the tracking history from Federal Express for the February 13, 2006 package;
- copy of the second request dated March 16, 2006 to Sudeepta Aggarwal;
- copy of the Federal Express receipt dated March 16, 2006;
- copy of the tracking history from Federal Express for the March 16, 2006 package.

Appln No. 10/533,069

The signing inventors believe that they and Sudeepta Aggarwal are joint inventors. The signing inventors have therefore, as required by 35 USC 116, second paragraph, and 37 CFR 1.47(a), made the above-identified application on behalf of themselves and Sudeepta Aggarwal by signing a declaration including the name, address, and citizenship of Sudeepta Aggarwal as well as their own in accordance with MPEP 409.03 (a), subparagraph (A).


Applicants therefore respectfully petition that this application be accepted without the signature of non-signing inventor Sudeepta Aggarwal.

Respectfully submitted,

GENENTECH, INC

Date: March 31, 2006

By:

A handwritten signature in black ink, appearing to read 'David A. Carpenter', written over a horizontal line.

David A. Carpenter

Reg. No. 45,945

Telephone No. (650) 225-3733



24 MAY 2004  
PCT/US03/34381, 24052004  
UNITED STATES PATENT and TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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ALEXANDRIA, VA 22313-1450  
www.uspto.gov

CARPENTER, David A.  
GENENTECH, INC.  
1 DNA Way  
South San Francisco, CA 94080-4990

In re Application of  
GENENTECH, INC. et al  
PCT No.: PCT/US03/34381  
Int. Filing Date: 28 October 2003  
Priority Date: 29 October 2002  
Attorney's Docket No.: P1982R1  
For: COMPOSITIONS AND METHODS  
FOR THE TREATMENT OF IMMUNE  
RELATED DISEASES

: DECISION ON  
:  
: PETITION UNDER  
:  
: 37 CFR 1.425  
:  
:  
:

This request "Response to Invitation to Correct Defects in the International Application" filed on 5 February 2004, requesting that the above-captioned international application be accepted without the signature of applicant/inventor Sudeepta Aggarwal. No petition fee is required.

### BACKGROUND

On 28 October 2003, applicants filed the present international application with the United States Receiving Office (RO/US).

On 05 February 2004, the RO/US mailed an "INVITATION TO CORRECT DEFECTS IN THE INTERNATIONAL APPLICATION" (Form PCT/RO/106), which indicated that as to the signature of the international application, the request is signed by what appears to be an agent/common representative but the power of attorney accompanying the international application was not signed by all the applicants.

On 25 February 2004, applicants filed the present petition requesting acceptance of the international application without the signature of one of the seven named applicants on the Request, i.e., applicant/inventor Sudeepta Aggarwal. The petition was accompanied by a letter mailed to Ms. Sudeepta in the effort to locate her.

### DISCUSSION

The statement in the petition and the letter provided by Mr. Carpenter are sufficient under 37 CFR 1.425 to establish that applicant/inventor Sudeepta could not be found to sign the Request because the effort to reach her were unsuccessful.


PCT/US03/34381 .24052004  
Application No.: PCT/US03/34381


2

**CONCLUSION**

For the reasons above, the petition under 37 CFR 1.425 is **GRANTED**.

The application will be returned to the RO/US.

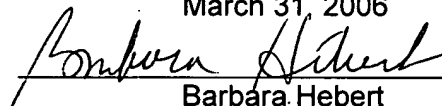
  
Rafael Bacares  
PCT Legal Examiner  
PCT Legal Office  
Telephone: (703) 308-6312  
Facsimile: (703) 308-6459

  
Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



Patent Docket P1982R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Sudeepta Aggarwal et al.  Serial No.: 10/533,069  Filed: April 28, 2005  For: Compositions and Methods for the Treatment of Immune Related Diseases	Group Art Unit: 1646  Examiner: to be assigned  CONFIRMATION NO: 5360  CUSTOMER NO: 09157
	<p style="text-align: center;">CERTIFICATE OF EXPRESS MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".</p> <p style="text-align: right;">March 31, 2006  Barbara Hebert</p>

DECLARATION OF BARBARA HEBERT

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, BARBARA HEBERT, do declare and state as follows:

1. I am a patent assistant in the Legal Department at Genentech, Inc.
2. On February 13, 2006, I sent Sudeepta Aggarwal a package envelope containing the following:  
(a) a letter signed by David A. Carpenter; (b) a Combined Declaration for Patent Application and Power of Attorney with a tab indicating the line where Ms. Aggarwal was to sign; (c) an Assignment, also with a tab indicating the line on which to sign; and (d) a return Federal Express envelope and pre-paid label for the convenience of Ms. Aggarwal to return the signed documents. The package was sent via Federal Express (Priority Overnight). I prepared the Federal Express label myself, inserted the above-identified documents into the envelope, sealed the envelope and left it to be picked up by Federal Express in our building.
3. The signed documents were not returned, and on March 16, 2006, I contacted Federal Express and was faxed the tracking history submitted herein.
4. On March 16, 2006, I attempted to find a phone number for Sudeepta Aggarwal and could find no listing.

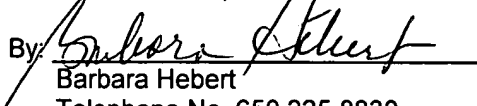
5. On March 16, 2006, I sent a Second Request to Ms. Aggarwal by Federal Express. This package was identical to the one sent on February 13, 2006 and contained a return Federal Express envelope and pre-paid label in which to return the signed documents.
6. The signed documents were not returned, and on March 20, 2006, I confirmed delivery by checking the tracking history available online. A copy of the results are submitted herein.
7. I hereby declare that all statements made in this Declaration, of my own knowledge, are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

GENENTECH, INC.

Date: March 31, 2006

By:

  
Barbara Hebert

Telephone No. 650.225.8830



PRIVILEGED & CONFIDENTIAL

Writer's Direct Contact  
Tel. (650) 225-3733  
carpenda@gene.com

February 13, 2006

Sudeepta Aggarwal  
2981 Berkshire Drive  
San Bruno, CA 94066

VIA FEDERAL EXPRESS

Austin L. Gurney  
946 Diamond St.  
San Francisco, CA 94114

Jill R. Schoenfeld  
680 Spring Creek Drive  
Ashland, OR 97520

P. Mickey Williams  
509 Alto Avenue  
Half Moon Bay, CA 94019

Genentech, Inc.  
Hilary Clark  
MS #93

VIA INTEROFFICE MAIL

William I. Wood  
MS #93

Thomas Wu  
MS #93

February 13, 2006  
Page 2

Re: U.S. Patent Application No.: 10/533,069  
Filed April 28, 2005  
Our Ref: P1982R1

---


Ladies and Gentlemen:

Enclosed are a Combined Declaration and Power of Attorney and an Assignment regarding the above-referenced U.S. Patent Application. Please review this material, **SIGN AND DATE, IN BLUE INK**, the **Declaration** and **Assignment** were indicated and return them to me for filing with the U.S. Patent Office. If any changes are necessary, please make the change and **initial next to it**.

To assist Sudeepta Aggarwal, Austin L. Gurney, Jill R. Schoenfeld and P. Mickey Williams in this regard, I have enclosed a return, prepaid Federal Express Envelope/Airbill in the package.

Thank you very for your assistance in this regard.

Best regards,



David A. Carpenter, Ph.D.  
Patent Counsel

w/ Enclosures



FedEx Express  
Customer Support  
Domestic Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38118

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone 801-388-3800



March 16, 2006

BARBARA HEBERT  
(650) 952-9881

Dear BARBARA HEBERT:

Our records reflect the following delivery information for the shipment with the tracking number 792658552632. The package was released as authorized by the shipper/recipient.

Delivery Information:

Released By: 999999999999

Delivered to: 2981 BERKSHIRE DRIVE

Delivery Date: February 15, 2006

Delivery Time: 01:49 PM

Shipping Information:

Shipment Reference Information: DAC P1982R1

Tracking No: 792658552632

Ship Date: February 14, 2006

Shipper: EUNICE PAULEY  
GENENTECH, INC.  
1 DNA WAY  
SOUTH SAN FRANCISCO, CA  
94080  
US

Recipient: SUDEEPTA AGGARWAL  
  
2981 BERKSHIRE DRIVE  
SAN BRUNO, CA 94066  
US

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Writer's Direct Contact  
Tel. (650) 225-3733  
carpenda@gene.com

February 13, 2006

*Second Request*  
*3/16/06*

Sudeepta Aggarwal  
2981 Berkshire Drive  
San Bruno, CA 94066

VIA FEDERAL EXPRESS

Austin L. Gurney  
946 Diamond St.  
San Francisco, CA 94114

Jill R. Schoenfeld  
680 Spring Creek Drive  
Ashland, OR 97520

P. Mickey Williams  
509 Alto Avenue  
Half Moon Bay, CA 94019

Genentech, Inc.  
Hilary Clark  
MS #93

VIA INTEROFFICE MAIL

William I. Wood  
MS #93

Thomas Wu  
MS #93

February 13, 2006  
Page 2

Re: U.S. Patent Application No.: 10/533,069  
Filed April 28, 2005  
Our Ref: P1982R1

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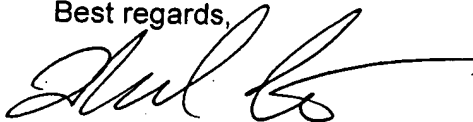
Ladies and Gentlemen:

Enclosed are a Combined Declaration and Power of Attorney and an Assignment regarding the above-referenced U.S. Patent Application. Please review this material, **SIGN AND DATE, IN BLUE INK**, the Declaration and Assignment were indicated and return them to me for filing with the U.S. Patent Office. If any changes are necessary, please make the change and **initial next to it**.

To assist Sudeepta Aggarwal, Austin L. Gurney, Jill R. Schoenfeld and P. Mickey Williams in this regard, I have enclosed a return, prepaid Federal Express Envelope/Airbill in the package.

Thank you very for your assistance in this regard.

Best regards,



David A. Carpenter, Ph.D.  
Patent Counsel

w/ Enclosures

From: Origin ID: (650)225-1719  
Eunice Pauley  
Genentech, Inc.  
1 DNA Way

South San Francisco, CA 94080



CL502236/10/10

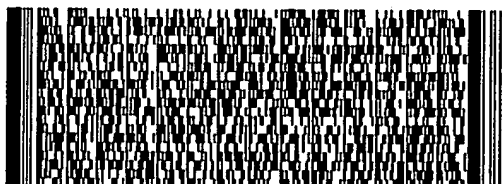
SHIP TO: (650)225-8830

BILL SENDER

**Sudeepta Aggarwal**

**2981 Berkshire Drive**

**San Bruno, CA 94066**



Ship Date: 16MAR06  
ActWgt: 1 LB  
System#: 4853013/INET2400  
Account#: S \*\*\*\*\*

REF: P1982R1



Delivery Address Bar Code

**PRIORITY OVERNIGHT**

**FRI**

TRK# 7926 8807 8355

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0201

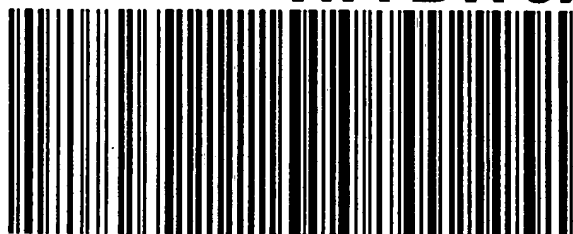
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Tracking number	792688078355	Reference	P1982R1
Signed for by	Signature release on file	Destination	San Bruno, CA
Ship date	Mar 16, 2006	Delivered to	Residence
Delivery date	Mar 17, 2006 8:48 AM	Service type	Priority Envelope
		Weight	0.5 lbs.
Status	Delivered		

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6:54 AM	Departed FedEx location	OAKLAND, CA	
6:52 AM	At local FedEx facility	SOUTH SAN FRANCISCO, CA	
Mar 16, 2006 9:47 PM	Arrived at FedEx location	OAKLAND, CA	
7:01 PM	Left origin	SOUTH SAN FRANCISCO, CA	
4:12 PM	Picked up	SOUTH SAN FRANCISCO, CA	
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